

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAYMOND STANLEY,

Plaintiff,

v.

ROBERTO C. ROSALES and D&Y
LOGISTICS LLC,

Defendants.

Index No.:

Civil Action

PETITION FOR REMOVAL

Removing Defendants D&Y LOGISTICS LLC and ROBERTO C. ROSALES (collectively, hereinafter referred to as “Removing Defendants”), upon information and belief state as follows:

1. On or about November 17, 2020, Plaintiff RAYMOND STANLEY commenced an action against the Removing Defendants in the Supreme Court of the State of New York, County of Bronx, bearing Index No. 803435/2022E. (See, Exhibit “A” attached).
2. The Complaint was filed on November 17, 2020 and served on Defendants D&Y Logistics on or about May 10, 2022.
3. Plaintiff is a resident of the State of New York.
4. Defendant D&Y Logistics is a corporation organized and existing under the laws of the State of New Jersey with its principle place of business located in New Jersey.
5. Defendant Roberto C. Rosales is a resident of the State of New York.
6. The amount in controversy is more than \$75,000.00
7. Accordingly, this Court has diversity jurisdiction of this action pursuant to 28 U.S.C. §1332, and Removing Defendants are entitled to removal of this action pursuant to U.S.C. §1441.

WHEREFORE, Removing Defendants D&Y Logistics LLC and Roberto C. Rosales, hereby petition for the removal of Plaintiff's action to this Court, pursuant to 28 U.S.C. §1441 and §1446.

Dated: New York, New York
June 9, 2022

RAWLE & HENDERSON LLP

*Attorneys for Defendants D&Y Logistics LLC and
Roberto C. Rosales*

By: 

Floyd G. Cottrell, Esq.
(973) 643-1400 ext. 13
fcottrell@rawle.com
14 Wall Street, 27th Floor
New York, New York 10005

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

X

RAYMOND STANLEY,

Index No.:

Plaintiff,

Civil Action

vs.

ROBERTO C. ROSALES and
D & Y LOGISTICS LLC,

Defendants.

VERIFIED COMPLAINT

X

Plaintiff RAYMOND STANLEY, residing at 89 West Treamont Avenue, Apt. 5H, Bronx, NY 10453, by his attorney, ALEXANDER DRANOV, ESQ., as and for his Verified Complaint against the defendants in the above entitled action, alleges upon information and beliefs as follows:

FIRST: That at all times hereinafter mentioned, the plaintiff was and still is a resident of the State of New York.

SECOND: That at all times hereinafter mentioned, the defendants were and still are residents of the State of New York.

THIRD: That at all times hereinafter mentioned, defendant D & Y LOGISTICS LLC was and still is a business entity doing business in the State of New York.

FOURTH: That at all times hereinafter mentioned, defendant ROBERTO C. ROSALES operated a certain motor vehicle, to wit: 2017 Kenworth, bearing New Jersey license plate number AW181V, on the streets of the City of New York.

FIFTH: That at all times hereinafter mentioned, defendant ROBERTO C. ROSALES managed, maintained and controlled the said vehicle.

SIXTH: That at all times hereinafter mentioned, defendant D & Y LOGISTICS LLC, was the owner of the motor vehicle operated by defendant ROBERTO C. ROSALES.

SEVENTH: That at all times hereinafter mentioned, defendant ROBERTO C. ROSALES operated the said vehicle with the express and/or implied permission of its owner, defendant D & Y LOGISTICS LLC.

EIGHTH: That at all the times herein mentioned, I-95 westbound Cross Bronx Expressway, at or near its intersection with Zerega Avenue in the County of Bronx, City and State of New York, was and still is a public roadway in constant use by residents of the said County, State and others.

NINTH: That on or about the 14th May, 2021, at or about 5:25 p.m., the plaintiff was the operator of a motor vehicle merging onto I-95 westbound Cross Bronx Expressway with a left turn signal on.

TENTH: That on the date and time aforesaid, and at the location aforescribed, while the plaintiff was completing the aforesaid merge, the defendants' vehicle traveling at high rate of speed on I-95 westbound Cross Bronx Expressway, struck the plaintiff's vehicle, causing the plaintiff to sustain property damage and severe, serious and crippling injuries as hereinafter alleged.

ELEVENTH: That the said collision was caused solely by the defendants' negligence, carelessness and recklessness.

TWELFTH: That the negligence, recklessness and carelessness of defendant ROBERTO C. ROSALES consisted in operating, maintaining, managing and controlling his vehicle so as to cause the plaintiff herein to sustain severe, serious and crippling injuries as hereinafter alleged; in speeding; in aggressively driving; in failing to stop; in failing to yield; in failing to exercise due and reasonable care and caution; and in violating pertinent rules, regulations, ordinances and statutes of the State and City of New York, and in other ways defendant ROBERTO C. ROSALES was negligent, reckless and careless in the operation, management and control of his motor vehicle.

THIRTEENTH: That defendant D & Y LOGISTICS LLC was negligent in entrusting its vehicle to negligent operator, and /or agent, and is in any event vicariously liable for defendant ROBERTO C. ROSALES's negligence.


FOURTEENTH: That solely by reason of the negligence, recklessness and carelessness of the defendants, as aforesaid, the plaintiff was rendered sick, sore, lame, disabled and bruised; received serious permanent and severe injuries in and about diverse parts of his body; experienced great pain and suffering and continues to suffer from said injuries; has been informed and verily believes said injuries to be of a permanent nature; and is and will be incapacitated for a long period of time; compelled to seek and did seek medical aid, attention and treatment; will in the future need same; and was in other ways damaged.

FIFTEENTH: That the plaintiff sustained a "serious injury" as defined in Section 5102 (d) of the Insurance Laws of the State of New York.

SIXTEENTH: That solely by reason of the foregoing, the plaintiff has been damaged in the sum of ONE MILLION DOLLARS (\$1,000,000.00).

WHEREFORE, the plaintiff demands judgment against each defendant in the amount of \$1,000,000.00 together with interest, costs and disbursements of this action.

Dated: March 4, 2022


ALEXANDER DRANOV, ESQ.
Attorney for Plaintiff
2125 Center Avenue, Suite 608
Fort Lee, New Jersey 07024
(201) 585-9300

315 Park Place
Brooklyn, N.Y. 11238

ATTORNEY'S VERIFICATION

ALEXANDER DRANOV, ESQ, the undersigned, an attorney for the Plaintiff herein duly admitted to practice law before the courts of the State of New York, states that I have read the foregoing Complaint and that the same is true to my knowledge and belief except that as to matters stated upon information and belief I believe them to be true.

The reason this Verification is made by me instead of the plaintiff is that the said plaintiff is not within the County of Kings where I have my office. The undersigned affirms under the penalty of perjury that the foregoing statements are true.

Dated: March 4, 2022


ALEXANDER DRANOV, ESQ.